



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,227	06/21/2002	Kenneth R. Wilkes	6022P001	4480

8791 7590 06/07/2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
----------	--------------

3724

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,227

Applicant(s)

WILKES, KENNETH R.

Examiner

Clark F. Dexter

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendments filed on April 19, 2004 and July 22, 2004 have been entered.

Drawings

2. The proposed drawing changes filed on July 22, 2004 have been approved. It is noted that no change has been proposed for Figure 8. However, because the appropriate change has been provided on the replacement drawing, no further action on this issue is necessary.
3. The replacement drawings were received on April 19, 2004. These drawings are **acceptable**.

Specification

4. The disclosure is objected to because of the following informalities:

In paragraph 0029, lines 2-4, the changes appear to be inaccurate and render the disclosure unclear and confusing, particularly in view of the original description provided in paragraph [0004], line 6, which describes a high limit sensor "such as a photo-detector 32 and a light source 34", and it seems that in line 2, "Sensors 32, 33 may be provided to sense a signal such as a light source 34, 35" should be changed to --Sensors may be provided to detect the presence of the dancer roll 24, wherein the sensors may include photo-detectors 32, 33 that sense a light source 34, 35-- or the like; in line 5, "32, 33" appears to be inaccurate, and it seems that it should be changed

Art Unit: 3724

to --32, 34 and 33, 35-- or the like; similarly, in line 11, "upper sensor 32" appears to be inaccurate, and it seems that it should read --upper sensor 32, 34-- or the like; similarly, in line 12, "lower sensor 33" appears to be inaccurate, and it seems that it should read --lower sensor 33, 35-- or the like.

In paragraph 0033, lines 2 and 4, "sensor 37" is inaccurate, and it seems that each occurrence thereof should read --sensor 37, 43-- or the like, and in line 4, --37-- should be inserted after "photo-detector-- or the like. It is noted that the replacement paragraph filed on April 19, 2004 has no markings and appears to be unchanged.

Appropriate correction is required.

Claim Rejections - 35 USC § 112, 1st paragraph

5. Claims 21 and 23-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 21, the specification and drawings do not appear to provide support for the cutter as recited in claim 20 further comprising a means for providing a delay time between the receiving of the synchronization signal and the providing of the actuating signal. Rather, support is provided for the "means for adjusting" performing the delay time function.

Regarding claim 23, the specification and drawings do not appear to provide support for the cutter as recited in claim 22 further comprising means for comparing the synchronization signal and a target value. Rather, support is provided for the “means for adjusting” performing the comparing function.

Regarding claim 24, the specification and drawings do not appear to provide support for the cutter as recited in claim 23 further comprising means for comparing the synchronization signal and a goal value. Rather, support is provided for the “means for adjusting” performing the comparing function.

Claim Rejections - 35 USC § 112, 2nd paragraph

6. Claims 20-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 20, line 2, the claim is vague and indefinite as to whether the cutting knife is being claimed, and it is suggested between lines 1 and 2 to insert --a cutting knife;--, and in line 2 to change “a cutting” to --the cutting-- or the like; in line 7, the recitation “means for receiving a signal ...” renders the claim vague and indefinite since sufficient structure has not been set forth to perform such a function, and it is suggested between lines 6-7 to insert --means for sensing a position of the cutting knife;--, and in line 7 to insert --from the position sensing means-- after “signal” or the like.

In claim 21, lines 1-2, the recitation “means for providing a delay time ...” is vague and indefinite as to what disclosed structure it refers; in lines 3-4, the recitation

Art Unit: 3724

“wherein the means for adjusting the subsequent actuating signals is further for adjusting the delay time” is vague and indefinite as to what is being set forth, particularly in view of the recitation set forth in lines 1-2.

In claim 23, lines 1-2, the recitation “means for comparing the synchronization signal and a target value” is vague and indefinite as to what disclosed structure it refers.

In claim 24, lines 1-2, the recitation “means for comparing the synchronization signal and a goal value” is vague and indefinite as to what disclosed structure it refers.

Allowable Subject Matter

7. Claims 1-13 are allowable over the prior art of record.
8. Claims 20-25 appear that they would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action. It is noted that these claims have been rejected under 35 USC 112, 1st paragraph.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

Art Unit: 3724

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', with a stylized, flowing script.

Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
May 30, 2006